

1-1 By: Ellis S.B. No. 2217
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2217 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the designation of a judicial district in Harris County
1-11 as the district court for domestic violence cases in that county.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 24.112, Government Code, is amended by
1-14 amending Subsection (b) and adding Subsections (g), (h), (i), (j),
1-15 (k), and (l) to read as follows:

1-16 (b) Except as provided by Subsection (g), the [The]
1-17 provisions of this section apply to the 11th, 55th, 61st, 80th,
1-18 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, and
1-19 165th judicial districts.

1-20 (g) Subsection (h) applies to the 11th, 55th, 61st, 80th,
1-21 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th,
1-22 165th, 189th, 190th, 215th, 234th, 269th, 270th, 280th, 281st,
1-23 295th, 333rd, and 334th judicial districts.

1-24 (h) The judges of the district courts listed in Subsection
1-25 (g) by agreement shall designate one of the listed district courts
1-26 as the domestic violence district court for Harris County. In
1-27 designating the domestic violence district court, the judges shall
1-28 give preference to a district court:

1-29 (1) that has a judicial vacancy at the time of the
1-30 agreement; or

1-31 (2) for which the sitting judge of the district court
1-32 has not at the time of the agreement announced a candidacy or become
1-33 a candidate in the upcoming election for that judicial office.

1-34 (i) Subject to any jurisdictional limitations, the district
1-35 court designated under Subsection (h) as the domestic violence
1-36 district court shall give preference to domestic violence cases,
1-37 including cases involving:

1-38 (1) dating violence, as defined by Section 71.0021,
1-39 Family Code; and

1-40 (2) family violence, as defined by Section 71.004,
1-41 Family Code.

1-42 (j) For the purposes of determining the preference the
1-43 designated domestic violence district court is required to give
1-44 cases under Subsection (i):

1-45 (1) a domestic violence case means:

1-46 (A) an original application for a protective
1-47 order under Title 4, Family Code;

1-48 (B) an original application for a protective
1-49 order under Title 4, Family Code, that involves both parties and is
1-50 filed concurrently with an original petition under the Family Code;
1-51 and

1-52 (C) any matter involving custody of a minor child
1-53 if one parent is alleged to have caused the death of another parent
1-54 and there is a history of domestic violence in the parents'
1-55 relationship; and

1-56 (2) subject to judicial discretion and resources, the
1-57 designated domestic violence district court may also hear divorce
1-58 and custody cases in which:

1-59 (A) a court has made an affirmative finding of
1-60 family violence involving both parties; or

1-61 (B) a protective order has been issued under
1-62 Title 4, Family Code, involving both parties.

1-63 (k) The designated domestic violence district court shall:

2-1 (1) provide timely and efficient access to emergency
2-2 protective orders and other court remedies for persons the court
2-3 determines are victims of domestic violence;

2-4 (2) integrate victims' services for persons the court
2-5 determines are victims of domestic violence who have a case before
2-6 the court; and

2-7 (3) promote an informed and consistent court response
2-8 to domestic violence cases to lessen the number of misdemeanors,
2-9 felonies, and fatalities related to domestic violence in Harris
2-10 County.

2-11 (1) The Harris County district clerk shall create a form and
2-12 establish procedures to transfer a domestic violence case that
2-13 qualifies for preference under this section to the domestic
2-14 violence district court.

2-15 SECTION 2. Not later than October 1, 2009, the judges of the
2-16 district courts listed in Subsection (g), Section 24.112,
2-17 Government Code, as added by this Act, shall by agreement designate
2-18 a listed court as the domestic violence district court for Harris
2-19 County. If the judges fail to designate a domestic violence
2-20 district court on or before October 1, 2009, the local
2-21 administrative judge for the Harris County district courts shall
2-22 designate a domestic violence court not later than October 5, 2009.

2-23 SECTION 3. This Act takes effect September 1, 2009.

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